

**Notice of Allowability**

Application No.

09/938,624

Examiner

Glenn Zimmerman

Applicant(s)

TAKAHASHI ET AL.

Art Unit

2879

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/15/2003.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☒ including changes required by the proposed drawing correction filed August 15, 2003, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1003</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                       |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance      |
|  | 9 <input type="checkbox"/> Other   |

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment, filed on August 13, 2003, has been entered and acknowledged by the examiner.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on August 15, 2003 has been approved.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip Miller on October 1, 2003.

The application has been amended as follows: In claim 26 line 1, the term of "claim 26," has been replaced with - -claim 25,- -. In claim 26 line 5, the wording "oft he"

has been replaced with - - of the - -. In claim 18 line 5, the word "semiconductor" has been deleted. In claim 26 line 5 the word "semiconductor" has been deleted.

***Allowable Subject Matter***

Claims 1-36 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests a light-emitting unit including the combination of all the limitations as set forth in claim 1, and specifically a fluorescent material comprising Ca-Al-Si-O-N oxynitride activated with  $\text{Eu}^{2+}$  could not be found elsewhere in prior art.

Regarding claims 2-28 and 36, claims 2-28 and 36 are allowed for the reasons given in claim 1, because of their dependency status on claim 1.

Regarding claim 29, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests a light emitting method including the combination of all the limitations as set forth in claim 29, and specifically irradiating a fluorescent material made of Ca-Al-Si-O-N oxynitride activated with  $\text{Eu}^{2+}$  could not be found elsewhere in prior art.

Regarding claims 30-32, claims 30-32 are allowed for the reasons given in claim 29, because of their dependency status on claim 29.


Regarding claim 37, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests a fluorescent material for a light-emitting unit including the combination of all the limitations as set forth in claim 37, and specifically the material comprising Ca-Al-Si-O-N oxynitride activated with Eu<sup>2+</sup> could not be found elsewhere in prior art.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (703) 308-8991. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is n/a.

  
Glenn D. Zimmerman

  
ASHOK PATEL  
PRIMARY EXAMINER